

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

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IN RE PHARMACEUTICAL INDUSTRY)	MDL No.1456
AVERAGE WHOLESALE PRICE)	
LITIGATION)	Master File No. 01-CV-12257-PBS
_____)	Subcategory No. 06-CV-11337-PBS
THIS DOCUMENT RELATES TO:)	Judge Patti B. Saris
<i>United States of America ex rel. Ven-A-Care of</i>)	
<i>the Florida Keys, Inc., et al. v. Boehringer</i>)	Magistrate Judge Marianne B. Bowler
<i>Ingelheim Corporation, et al., Civil Action No.</i>)	
<i>07-10248-PBS</i>)	
_____)	

**DECLARATION OF JOHN W. REALE IN SUPPORT OF BOEHRINGER INGELHEIM
CORPORATION AND BOEHRINGER INGELHEIM PHARMACEUTICALS, INC.'S
REPLY TO THE UNITED STATES' RESPONSE TO CORRECTED BOEHRINGER
INGELHEIM CORPORATION AND BOEHRINGER INGELHEIM
PHARMACEUTICALS, INC. LOCAL RULE 56.1 STATEMENT OF UNDISPUTED
MATERIAL FACTS IN SUPPORT OF THEIR MOTION FOR SUMMARY JUDGMENT**

1. I am a member of the law firm of Kirkland & Ellis LLP, counsel for Defendants Boehringer Ingelheim Pharmaceuticals, Inc. ("BIPI") and Boehringer Ingelheim Corporation ("BIC"). I am admitted to practice law in the Commonwealth of Massachusetts.

2. As part of their Local Rule 56.1 Statement of Undisputed Material Facts In Support of Their Motion for Summary Judgment filed on June 26, 2009 (with corrections filed on June 29, 2009), BIC and BIPI attached the exhibits referenced therein as Tabs 1 - 88. Attached to this Declaration as Tabs 89 - 130, BIC and BIPI attach additional exhibits referenced in Boehringer Ingelheim Corporation and Boehringer Ingelheim Pharmaceuticals, Inc.'s Reply to the United States' Response to Corrected Boehringer Ingelheim Corporation and Boehringer Ingelheim Pharmaceuticals, Inc. Local Rule 56.1 Statement of Undisputed Material Facts in

Support of Their Motion for Summary Judgment. Those exhibits are true and correct copies of the documents described in the document listing attached as Exhibit A to this Declaration.

3. I declare under penalty of perjury the foregoing is true.

Dated: September 22, 2009
Chicago, Illinois

Respectfully Submitted,

/s/ John W. Reale
John W. Reale (BBO# 654645)

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing was delivered to all counsel of record by electronic service pursuant to Paragraph 11 of Case Management Order No. 2, by sending on September 22, 2009, a copy to LexisNexis File and Serve for posting and notification to all parties.

/s/ John W. Reale

John W. Reale